

After Final Amendment E
U.S. Appl. 09/490,609
December 10, 2004

Remarks

Applicants request consideration of the above-referenced patent application.

Amendments to Claims

Applicants have amended claim 25 to remove reference to Seq. No. 280. Applicants submit that this amendment should be added, given that it places the claims in better condition for allowance or will reduce the issues on appeal. See MPEP §714.12.

Applicants reserve the right to pursue any canceled subject matter and/or any other subject matter disclosed in this application in one or more later-filed divisional and/or continuation applications.

Response to rejection of claims 25-28 under 35 U.S.C. §102(e)

Claims 25-28 have been rejected under 35 U.S.C. §102(e) in view of Ecker (U.S. Patent No. 6,451,424). Applicants request withdrawal of this rejection.

A. Claim 25

The Office action indicates that claim 25 has been rejected because it encompasses methods wherein SEQ. NO. 280 is the nucleic acid sequence of the marker nucleic acid molecule. To expedite prosecution of this application, claim 25 has been amended to remove SEQ. NO. 280, thus mooted this rejection.

B. Claims 26-28

Claims 26-28 depend from claim 25, and therefore are patentable over Ecker for at least the same reasons as claim 25.

Allowed Claims

Applicants acknowledge that claims 31-33 have been allowed.

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New Correspondence Address

An associate power of attorney and a change of correspondence address was filed on December 8, 2004 for this patent application. In accordance with that paperwork, please send all future correspondence to the undersigned at the following address:

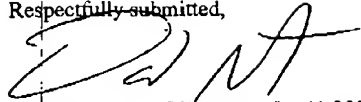
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Applicants hereby request a one-month extension to respond to the August 10, 2004 Office action, and hereby authorize the Commissioner to charge the fee for that extension to Deposit Account No. 08-0750. Applicants believe that they do not owe any additional fee in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 08-0750. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 08-0750.

Applicants submit that the pending claims are in condition for allowance, and request that this application be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

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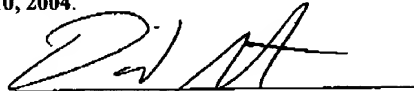
Respectfully submitted,



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CERTIFICATE OF FACSIMILE

I certify that this is being sent via facsimile to (703) 872-9306 to the attention of
Examiner Jane J. Zara, Mail Stop AF, Commissioner for Patents, P.O. Box 1450,
Alexandria, Virginia 22313-1450 on December 10, 2004.



DMG/PML